

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

ORIGINAL

BEFORE THE

Illinois Commerce Commission

DOCKET NO. 00-0027

IN THE MATTER OF:

**FOCAL COMMUNICATIONS CORPORATION
OF ILLINOIS**

CHIEF CLERK'S OFFICE

JAN 28 2 33 PM '00

ILLINOIS
COMMERCE COMMISSION

PLACE: Springfield, Illinois

DATE: January 25, 2000

PAGES: 20 - 27

SULLIVAN REPORTING COMPANY
OFFICIAL REPORTERS

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**CHICAGO, ILLINOIS 60602
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BEFORE THE
ILLINOIS COMMERCE COMMISSION

FOCAL COMMUNICATIONS CORPORATION) DOCKET NO.
OF ILLINOIS) 00-0027

Petition for arbitration pursuant)
to Section 252(b) of the)
Telecommunications Act of 1996)
to establish an Interconnection)
Agreement with Illinois Bell)
Telephone Company d/b/a Ameritech)
Illinois.)

Springfield, Illinois
January 25, 2000

Met, pursuant to notice, at 2:00 P.M.

BEFORE:

MR. WILLIAM SHOWTIS, Examiner
MR. DONALD L. WOODS, Examiner

APPEARANCES:

MS. CARRIE J. HIGHTMAN
Schiff, **Hardin &** Waite
6600 Sears Tower
Chicago, Illinois 60606

(Appearing on behalf of Focal
Communications Corporation of Illinois
via teleconference)

SULLIVAN REPORTING COMPANY, by
Cheryl A. Davis, Reporter, #084-001662

1 APPEARANCES:

(Cont'd)

2 MS. JANE VAN DUZER
3 200 North La Salle Street
4 Chicago, Illinois

5 (Appearing on behalf of Focal
6 Communications Corporation of Illinois
7 via teleconference)

8 MR. CHRISTIAN F. BINNIG
9 MR. DENNIS G. FRIEDMAN
10 Mayer, Brown & Platt
11 190 South La Salle Street
12 Chicago, Illinois 60603

13 (Appearing on behalf of Ameritech Illinois
14 via teleconference)

15 MR. MATTHEW L. HARVEY
16 160 North La Salle Street
17 Suite C-800
18 Chicago, Illinois 60601

19 (Appearing on behalf of the Staff of the
20 Illinois Commerce Commission)

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I N D E X

WITNESSES

DIRECT CROSS REDIRECT RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

PROCEEDINGS

EXAMINER WOODS: We'll go on the record.

This is Docket 00-0027, Focal Communications Corporation of Illinois, a petition for arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to establish an interconnection agreement with Illinois Bell Telephone Company, doing business as Ameritech Illinois.

This cause comes on for hearing January 25, 2000 before Donald L. Woods and William Showtis, duly appointed Hearing Examiners, under the authority of the Illinois Commerce Commission. The cause was set today as a status hearing to discuss scheduling and other **matters**.

At this **time I'd** take the appearances of the parties, beginning with the Applicants.

MS. HIGHTMAN: Carrie J. Hightman, Schiff, **Hardin** and Waite, 6600 Sears Tower, Chicago, Illinois 60606, appearing on behalf of Focal Communications Corporation.

EXAMINER WOODS: On behalf of Respondents.

1 MS. BINNIG: Christian F. Binnig and Dennis G.
2 Friedman, Mayer, Brown & Platt, 190 South La Salle
3 Street, Chicago, 60603, appearing on behalf of
4 Ameritech Illinois.

5 EXAMINER WOODS: Any additional appearances?

6 MR. HARVEY: On behalf of the Staff of the
7 Illinois Commerce Commission, Matthew L. Harvey, 160
8 North La Salle Street, Suite C-800, Chicago, Illinois
9 60601.

10 EXAMINER WOODS: Any additional appearances?

11 MS. VAN DUZER: Appearing on behalf of Focal
12 Communications Corporation, Jane Van Duzer, from
13 Focal Communications Corporation, 200 North La Salle
14 Street.

15 EXAMINER WOODS: Could we get a spelling of the
16 last name, please? Ms. Van Duzer, could you spell
17 your last name, please?

18 MS. VAN DUZER: V-a-n-D-u-z-e-r.

19 EXAMINER WOODS: Any additional appearances?
20 Let the record reflect no response.

21 The record would also reflect discussions
22 had among the parties before beginning today.

1 There was a discussion at the last hearing
2 concerning an issue over which Focal believed that
3 **Ameritech's** position had not been fully set forth.
4 My understanding is now that the parties have
5 conferred in the interim and have reached an
6 understanding on that issue. Is that correct,
7 Ms. Hightman?

8 MS. HIGHTMAN: Yes, that is.

9 EXAMINER WOODS: Is that correct, Mr. Binnig?

10 MS. BINNIG: Yes.

11 EXAMINER SHOWTIS: And, for the record, that was
12 issue 4? Is that correct?

13 MS. HIGHTMAN: Yes.

14 MS. BINNIG: Yes.

15 EXAMINER WOODS: Okay. And it is also my
16 understanding that upon receipt of some data request
17 responses, Focal may have a desire to either have
18 some follow-up inquiries or a motion to compel. The
19 parties have agreed to confer tomorrow to see if that
20 issue can be resolved. In the event the issue cannot
21 be resolved, we've scheduled a status hearing for
22 11:00 a.m. Friday, the 28th of January. We'll be

1 taking that up.

2 The parties have agreed that in the event
3 that discovery dispute cannot be resolved, they will
4 be faxing us copies of the discovery requests as well
5 as the responses that are in question, and we'll be
6 taking arguments on a motion to compel or the
7 permissibility of allowing Focal to follow up with
8 additional discovery requests at the Friday status
9 hearing.

10 In the event that the dispute is resolved,
11 the parties have been instructed to contact the
12 Hearing Examiners, and we'll cancel the hearing
13 that's going to be schedule.

14 In addition, we had discussions concerning
15 the development of a matrix and a red-lined
16 contract. This is a process that's been followed in
17 previous arbitration agreements. The parties are in
18 the process of working together to develop that
19 contract and the matrix of issues and have agreed to
20 supply those to the Hearing Examiners approximately a
21 week prior to the hearing that's scheduled for the
22 cross-examination of witnesses in this case. Is that

1 correct, Ms. Hightman?

2 MS. BIGHTMAN: Yes, it is.

3 EXAMINER WOODS: Correct, Mr. Binnig?

4 MS. BINNIG: Yes, it is.

5 EXAMINER SHOWTIS: Ms. Hightman, as I understand
6 it, the data request responses that Focal presently
7 objects to as nonresponsive are **two** responses
8 pertaining to issue 3. Is that correct?

9 MS. HIGHTMAN: Yes, it is.

10 EXAMINER SHOWTIS: Okay.

11 MS. HIGHTMAN: And I mean we are not foreclosing
12 the possibility upon further review of having some
13 other ones, but we've only had these responses for
14 less than 24 hours. That's our initial impression.

15 EXAMINER SHOWTIS: Okay. That's all.

16 EXAMINER WOODS: Anything additional? This
17 cause is continued to January 28, 2000 at 11:00 a.m.

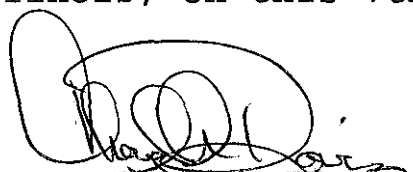
18 (Whereupon the case was
19 continued to January 28,
20 2000, at 11:00 a.m. in
21 Springfield, Illinois.)
22

1 STATE OF ILLINOIS)
2) SS
COUNTY OF SANGAMON)
3 CASE NO.: 00-0027
4 TITLE: FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS
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8 CERTIFICATE OF REPORTER

9 I, Cheryl A. Davis, do hereby certify that I am
10 a court reporter contracted by Sullivan Reporting
11 Company of Chicago, Illinois; that I reported in
12 shorthand the evidence taken and proceedings had on
13 the hearing on the above-entitled case on the 25th
14 day of January, 2000; that the foregoing eight pages
15 are a true and correct transcript of my shorthand
16 notes so taken as aforesaid and contain all of the
17 proceedings directed by the Commission or other
18 persons authorized by it to conduct the said hearing
19 to be so stenographically reported.

20 Dated at Springfield, Illinois, on this 7th day
21 of February, A.D., 2000.
22



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